

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALI SHAHROKI,

**Plaintiff(s),**

V.

MATHEW HARTER, et al.,

Defendant(s).

Case No. 2:21-cv-01126-RFB-NJK

Order

[Docket Nos. 84, 85, 91, 93, 94, 113]

Pending before the Court is a motion to stay discovery filed by Defendants Marzola & Ruiz Law Group and Yvonne Ruiz. Docket No. 84; *see also* Docket No. 86 (supplement). Defendants Marzola, Spradling, Thielke, Standish Law Group, and Harter filed joinders to that motion. *See* Docket No. 94, 113. Plaintiff filed a response in opposition, Docket No. 125; *see also* Docket No. 128 (response to joinder), and Defendants Marzola & Ruiz Law Group and Ruiz filed a reply, Docket No. 158.

Also pending before the Court is a motion to stay discovery filed by Defendants Burrow and Pearson. Docket No. 85. Defendant Harter filed a joinder to that motion. Docket No. 93.

Also pending before the Court is a motion to open discovery filed by Plaintiff. Docket No. 91. Defendant Harter filed a response. Docket No. 132; *see also* Docket No. 134 (corrected image). Defendants Burrow, Pearson, Standish, Spradling, Thielke, Standish Law Group, Marzola & Ruiz Law Group, and Ruiz filed joinders to that response. Docket No. 138, 139, 141.

The Court does not require a hearing on these motions. *See* Local Rule 78-1. For the reasons discussed more fully below, the motions to stay discovery and the joinders thereto (Docket Nos. 84, 85, 93, 94, 113) are **GRANTED** and the motion to open discovery (Docket No. 91) is **DENIED**.

1   **I. STANDARDS**

2         The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*  
 3 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide  
 4 for automatic or blanket stays of discovery when a potentially dispositive motion is pending.”  
 5 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed  
 6 absent a “strong showing” to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175  
 7 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay  
 8 discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and  
 9 effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court  
 10 has taken a “preliminary peek” at the merits of the underlying motion and is convinced that the  
 11 plaintiff will be unable to prevail. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.  
 12 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and  
 13 inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

14   **II. ANALYSIS**

15         A stay of discovery is appropriate here. As to the first two requirements, the underlying  
 16 motions to dismiss are potentially dispositive of this case and can be decided without discovery.  
 17 As to the third requirement, the undersigned’s evaluation of the motions to dismiss reveal that they  
 18 are sufficiently meritorious to justify a stay of discovery.<sup>1</sup>

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<sup>1</sup> Conducting the preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motions to dismiss may have a different view of their merits. *See Tradebay*, 278 F.R.D. at 603. This “preliminary peek” at the merits of those motions is not intended to prejudice their outcome. *See id.* As a result, the undersigned will not provide a lengthy discussion of the merits of the underlying motions. Nonetheless, the undersigned has carefully reviewed the arguments presented in the underlying motions and subsequent briefing.

### 1 | III. CONCLUSION

2 Accordingly, the motions to stay discovery and the joinders thereto (Docket Nos. 84, 85,  
3 93, 94, 113) are **GRANTED** and the motion to open discovery (Docket No. 91) is **DENIED**. In  
4 the event resolution of Defendants' motions to dismiss does not result in the termination of this  
5 case, a discovery plan or joint status report must be filed within 14 days of the issuance of such  
6 order(s).

IT IS SO ORDERED.

Dated: October 26, 2021

  
Nancy J. Keppe  
United States Magistrate Judge